

VZCZCXRO3874
PP RUEHDE RUEHDH RUEHDIR
DE RUEHKU #1125/01 3351056
ZNY CCCCC ZZH
P 011056Z DEC 09
FM AMEMBASSY KUWAIT
TO RUEHC/SECSTATE WASHDC PRIORITY 4242
INFO RUEHZM/GULF COOPERATION COUNCIL COLLECTIVE PRIORITY
RHEHNSC/NSC WASHDC PRIORITY

C O N F I D E N T I A L SECTION 01 OF 02 KUWAIT 001125

SIPDIS

NEA/ARP

E.O. 12958: DECL: 08/13/2019
TAGS: [PGOV](#) [PREL](#) [KWMN](#) [KMPI](#) [PHUM](#) [KU](#)
SUBJECT: WHEN WILL KUWAIT HAVE ITS FIRST FEMALE JUDGE?

REF: A. KUWAIT 1015
[1](#)B. KUWAIT 1035

Classified By: PolCouns Pete O'Donohue for reasons 1.4 b and d

1.(C) Summary. Prominent Kuwaiti lawyer Salma Al-Ajmi claims Kuwait's Amir wants to appoint the country's first female judge but fears backlash from opportunist members of the ruling family and conservative Islamist and tribal MPs. Ajmi, who claims that female lawyer Anoud Al-Hajiri's application to be a judge was rejected solely based upon her gender, nonetheless told Poloff November 22 that she expected Al-Hajiri's legal challenge of that decision will fail. Despite recent victories for women before the Constitutional court, Ajmi speculated that Kuwait's dearth of female judges, ambassadors, and ministers can only be fixed by vigorous effort and advocacy by the Amir (Comment: a popular prescription -- sadly in short supply -- to remedy the nation's many perceived ills. End comment.). End Summary.

DIM PROSPECTS FOR ANTI-DISCRIMINATION CASE

2.(C) Although recent court rulings granted Kuwaiti women the right to obtain passports without their husband's permission and decided female MPs need not wear the hijab (Refs A & B), Ajmi said that a recent legal attempt to force the GOK to appoint a female judge will likely fail. Last month, Anoud Al-Hajiri, a female lawyer who works in the law firm of Thekra Al-Rashidi, one of Kuwait's most prominent (although ultimately unsuccessful) female candidates in the 2009 election, filed a case arguing that the denial of her application for a judgeship was based solely on her gender and therefore unconstitutional (this news was confirmed to PolOff by Rashidi during an October 13 meeting). The issue of whether or not a law violates the equal rights language of the constitution's article 29 was a key factor in the earlier ruling granting Kuwaiti women the right to freely obtain passports (Ref A). However, Ajmi claimed that in major cases like these, the Kuwaiti courts' rulings are often guided by the Amir and predicted that there would be no female judges until the Amir decided to appoint one. Ajmi said she believes the Amir, who led the GOK's push to grant women suffrage in 2005, is under too much pressure from opportunist members of the ruling family and conservative Islamist and tribal MPs to make such an appointment any time soon. Ajmi speculated that if the Amir did appoint a female judge, he would be thrown under the bus by ambitious members of his own ruling family, who would use the appointment to rally Kuwait's strong tribal and Islamist power bases against the Amir.

AJMI'S STORY

3.(U) "After thirty-one years of practicing law I cannot be a judge, but I often have to call judges my son's age 'sir,' "

Ajmi recounted to PolOff with frustration during a November 22 meeting at the Embassy. Three decades after earning her law degree in 1979 from Kuwait University, Ajmi now regularly argues cases before Kuwait's Supreme Court. Ajmi said that she had been lobbying for a judgeship since 1993, but her efforts have not succeeded despite her long and successful law practice.

GOK, ONCE A GCC LEADER ON WOMEN'S RIGHTS, IS BEHIND ON FEMALE JUDGES

4.(U) Kuwait first allowed women to practice law in the 1960s and was the first to do so in what are now the GCC countries, according to Ajmi, with Bahrain and the UAE following suit in the 1970s and Qatar doing the same in 2000. However, fifty years on Kuwait still has no female judges, lagging behind the landmark appointment of the first female judges in Bahrain (2007) and the UAE (2008). Ajmi said it is a disconcerting trend that even as Gulf states like Oman and Bahrain develop, once-progressive Kuwait is stagnating.

MANY KUWAITI WOMEN QUALIFIED TO BE JUDGES, BUT GOK HIRES EGYPTIAN MEN INSTEAD

5.(U) Ironically, for years the GOK has faced a shortage of trained Kuwaiti lawyers and has been forced to hire hundreds of Egyptians as judges. Yet there is a large pool of available Kuwaiti female lawyers, who account for one-third

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of all Kuwaiti lawyers and make up the vast majority of the Ministry of Justice's legal experts, according to Ajmi.

A THICK GLASS CEILING

6.(U) Ajmi noted that in addition to having no female judges, the GOK has appointed very few female ambassadors and very few female ministers. "Every year they appoint one or two women as ministers as a show to the rest of the world," Ajmi said, commenting on the fact that the sixteen-member cabinet has never had more than two female ministers since the first woman was appointed in 2005.

COMMENT

7.(C) The continuing effort by attorney-activists like Ajmi to break through the judicial glass ceiling demonstrates that -- despite the victory of four women in parliamentary elections in May -- substantial challenges remain in advancing women's rights in Kuwait. Bahrain and the UAE's appointment of their first female judge in 2007 and 2008 has increased domestic speculation -- and expectation -- that Kuwait will follow suit. However, given the lack of broad domestic political support for such a move, this appears to be far from a sure thing, despite the hopes of the nation's prominent female legal professionals.

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